

ORIGINAL

**FILED**

DISTRICT COURT OF GUAM

DEC - 7 2005

MARY L.M. MORAN  
CLERK OF COURT

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

McCARTHY OCAYA CARTER,  
  
Defendant.

CRIMINAL CASE NO. 05-00087

**INFORMATION**

**POSSESSION OF  
METHAMPHETAMINE  
HYDROCHLORIDE**  
[21 U.S.C. § 844(a)]

**FORFEITURE ALLEGATION**  
[21 U.S.C. § 853]

**THE UNITED STATES ATTORNEY CHARGES:**

On or about November 20, 2003, in the District of Guam and elsewhere, the defendant  
McCARTHY OCAYA CARTER, knowingly and intentionally possessed .41 grams of  
methamphetamine hydrochloride a/k/a "ice," a scheduled II controlled substance, in violation of  
Title 21, United States Code, Section 844(a).

**FORFEITURE ALLEGATION**

The allegation of this Information and accompanying Information Regarding Notice of  
Sentencing Enhancement are hereby realleged and incorporated by reference for the purpose of

1 alleging criminal forfeiture pursuant to Title 21, United States Code, § 853.

2 1. From his engagement in the violation alleged in both Informations, punishable by  
3 imprisonment for more than one year, the defendant, McCARTHY OCAYA CARTER, shall  
4 forfeit to the United States, pursuant to Title 21, United States Code, §§ 853(a)(1) and (2), all of  
5 his interest in:

- 6 a. U.S. currency in the amount of \$106,202 recovered on or about November 20,  
7 2003, from the search of the residence of the defendant located at #209 Totot  
8 Loop, GHURA 501, Dededo, Guam;
- 9 b. Property constituting and derived from any proceeds the defendant obtained,  
10 directly or indirectly, as a result of such violation; and
- 11 c. Property used and intended to be used in any manner or part to commit or to  
12 facilitate the commission of such violation.

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14 2. If any of the property described above as being subject to forfeiture, as a result of any  
15 act or omission of the defendant:

- 16 a. cannot be located upon the exercise of due diligence;
- 17 b. has been transferred, sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the Court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be subdivided without  
21 difficulty;

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1 it is the intent of the United States, pursuant to Title 21, United States Code, § 853(p), to seek  
2 forfeiture of any other property of said defendant up to the value of the above forfeitable  
3 property.

4 All in violation of Title 21, United States Code, § 853.

5 Dated this 7<sup>th</sup> day of December 2005.

7 LEONARDO M. RAPADAS  
8 United States Attorney  
9 Districts of Guam and CNMI

10 By: \_\_\_\_\_

11 MARIVIC P. DAVID  
12 Assistant U.S. Attorney  
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